

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

-----	:	
UNITED STATES OF AMERICA	:	
	:	CASE NO. 5:05 CR 131-44
Plaintiff	:	
	:	
-VS-	:	
	:	
IRA FORTNER	:	<u>ORDER ACCEPTING PLEA AGREEMENT</u>
	:	<u>AND JUDGMENT AND NOTICE OF</u>
Defendant	:	<u>HEARING</u>
-----	:	
UNITED STATES DISTRICT JUDGE LESLEY WELLS		

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge William H. Baughman, Jr. regarding the plea hearing and plea agreement of Ira Fortner which was referred to the Magistrate Judge with the consent of the parties.

On 16 March 2005, the government filed a one-count indictment against Ira Fortner for conspiracy to possess with the intent to distribute and distribution of a controlled substance in violation of 21 U.S.C. § 846. On 29 June 2005, a hearing was held in which Ira Fortner entered a plea of not guilty before Magistrate Judge David S. Perelman.

On 20 September 2006, the government filed a one-count supplemental information against Ira Fortner for use of a communication facility to facilitate a drug felony in violation of 21 U.S.C. § 843(b). On 22 September 2006, a hearing was held in which Ira Fortner entered a waiver of indictment and entered a plea of guilty to Count One of the Supplemental Information before Magistrate Judge William H. Baughman, Jr. and Magistrate Judge Baughman issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Ira Fortner is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Ira Fortner is adjudged guilty of Count One of the Supplemental Information, in violation of 21 U.S.C. § 843(b).

Sentencing will be:

7 December 2006 at 10:00 a.m.

**Courtroom 19-A
19th Floor the United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113**

IT IS SO ORDERED.

/s/Lesley Wells
UNITED STATES DISTRICT JUDGE

Dated: 16 October 2006